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FROM:

Christine A. Gritzmacher Gen-Probe Incorporated

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Phone No.: 858-410-8926 Facsimile No.: 858-410-8928

Commissioner for Patents TO:

P.O. Box 1450

U.S. Patent & Trademark Office Facsimile No.: 571-273-8300

Number of pages (including this cover page): 12

In re patent application of:

Group Art Unit: 1645

NORMAN et al.

Examiner.

BASKAR, P.

Appln. No. 10/712,654

Confirmation No. 8961

Filed: November 12, 2003

Docket No.:

GP141-03.UT

Title: ASSAY AND COMPOSITIONS FOR

DETECTION OF BACILLUS ANTHRACIS NUCLEIC ACID Date:

August 12, 2005

IDS via Facsimile includes the following documents:

- Transmittal form PTO/SB/22 1 pg.; 1.
- Information Disclosure Statement under 37CFR 1.97(b) 2 pg.; 2.
- Form/SB/08A (2 pg. in duplicate) 4 pg.;and 3.
- Copy of a cited reference 4 pg. 4.

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Date: August 12, 2005

Christine A. Gritzmachez Registration No. 40,627

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Under the Panerwork Reduction Act of 1995 n	no persons	are required to respond to a collection Application Number	10/712.	mation unless it displays a valid covid con 354	
TRANSMITTAL		Filing Date	Novem	November 12, 2003	
FORM			Sylvia /	Norman	
(to be used for all correspondence after initial fil	ling)	Art Unit	1545		
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Total Number of Pages in This Submission	11	Attorney Docket Number	GP141	03.UT	
Total Wallact of Fogos II.	ENC	LOSURES (Check all tha	t apply		
Fee Transmittal Form Fes Attached Amendment/Repty After Final Affidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53	Rema			After Allowance communication to Technology Center (TC) Appeal Communication to 8 of Appeals and Interference Appeal Communication to T (Appeal Notice, Brief, Reply 8 Proprietary Information Status Letter Other Enclosure(s) (please Identify below): Copy of one cited reference	loard S 'C Irlef)
SIGNA	TURE	OF APPLICANT, ATTOR	NEY,	OR AGENT	
Firm or Individual name Signature Christine A. Gritzmacher, Registration No. 40,627 Christine A. Gritzmacher, Registration No. 40,627 August 12, 2005	1. J	At Made		· · · · · · · · · · · · · · · · · · ·	
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I hereby certify that this correspondence is to sufficient postage as first class mail in an entitle date shown below.	L	CATE OF TRANSMISSIC simile transmitted to the USPTO addressed to: Commissioner for F	or deno	sited with the United States Postal S	ervice with 3-1450 on
Typed or printed name Christine A. Gritz	zmacher,	Reg. No. 40,627			
Signature Unrah	ne by	formader-		Date August 12, 20	05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a banefit by the public which is to file (and by the USPTC process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including pathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 1 2 2005

Applicant	s: Norman et al.) Examiner: Baskar, Padmavathi
Serial No.	10/712,654) Group Art Unit: 1645
Filed:	November 12, 2003) Confirmation No. 8961
FC	SSAY AND COMPOSITIONS OR DETECTION OF BACILLUS NTHRACIS NUCLEIC ACIDS) Docket No.: GP141-03.UT)

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR § 1.97(b)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Applicant brings to the Examiner's attention the references listed on the attached form PTO/SB/08A (two copies enclosed) for consideration in connection with the examination of the above-identified application. A copy of the non-patent article is also enclosed.

This Information Disclosure Statement (IDS) is being submitted under 37 C.F.R. § 1.97(b) before the mailing date of a first Office action on the merits.

If Applicants are mistaken, and a first Office action on the merits was mailed on or before the certified date of transmission indicated below, then Applicants request that this Information Disclosure Statement be treated as a transmission under 37 C.F.R. 1.97(c). Accordingly, no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in §1.56(c)

INFORMATION DISCLOSURE STATEMENT

Serial No. 10/712,654 Filed: November 12, 2003 Atty. Docket No. GP141-03.UT

more than three months prior to the filing of this IDS. If any fee is due under 37 C.F.R. § 1.17(p), then Applicants hereby authorize that it be charged to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

Applicant respectfully requests that the Examiner indicate consideration of each cited reference by returning a copy of the attached form PTO/SB/08A with the Examiner's initials or other appropriate marks.

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being facsimile transmitted (FAX No. 571-273-8300) to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,

Dated: August 12, 2005

Christine A. Gritzmacker

Reg. No. 40,627

GEN-PROBE INCORPORATED

Patent Department

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San Diego, California 92121

Tel.: (858) 410-8926

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Page 2 of 2

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PTO/SB/0&A (08-03)
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Complete if Known			
Application Number	10/712,654		
Filing Date	Nov. 12, 2003		
First Named Inventor	Sylvia A. Norman		
Art Unit	1645		
Examiner Name	Baskar, Padmavathi		
Attorney Docket Number	GP141-03.UT		
	Application Number Filing Date First Named Inventor An Unit Examiner Name	Filting Date Nov. 12, 2003 First Named Inventor Sylvia A. Norman Art Unit 1645 Examiner Name Baskar, Padmavathi	

			U. S. PATENT	DOCUMENTS	
Examiner Initals*	Cite No.1	Document Number	Publication Data MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appoar
	<u> </u>	Number-Kind Code ^{2 of Amount}	14 04 4000	Moderatel	
		^{US-} 5,840,312	11-24-1998	Mock et al.	
		US- 20020055628A1	05-09-2002	Keim et al.	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered, include copy of this form with next communication to applicant. *Applicant's unique citation designation number (optional). *See Kinds Codes of USPTO Patent Documents at www.uspto.cog/ or MPEP 901.04. *Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). *Jone of the Patent documents, the indication of the year of the represent must precode the sensil number of the patent document. *Nond of document by Depropriate symbols as indicated on the document under WiPO Standard ST.16 if possible. *Applicant is to place a check mark here if English language Translation is statched.

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Substitute for form 1449/PTO				Application Number	10/712,654		
INFORM	IATION I	DIS	CLOSURE	Filing Date	November 12, 2003		
	STATEMENT BY APPLICANT			First Named Inventor	Sylvia A. Noman		
				Art Unit	1645		
(Use as many sheets as necessary)			recessary)	Examiner Name	Baskar, Padmavathi		
Sheet 2		of	2	Attorney Docket Number	GP141-03.UT	_/	

		NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		
		VAILLANCOURT et al., "Development of a multiplex PCR assay for the specific detection of Bacillus anthracis using the Smart Cycler" 101st General Meeting of the ASM, held in Orlando,FL, May 2001 (reprinted with permission by Cepheid, at www.cepheld.com)		
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Date Examiner Considered Signature

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1 Applicants unique citation designation number (optional). 2 Applicant is to place a chock mark here if English language Translation is attoched.

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1 Applicants unique citation designation is required by 37 CFR 1.99. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO This collection is estimated to take 2 hours to complete, including to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including againshing, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the Individual case. Any continents on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

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Under the Paperwork Reduction Act of 1995, no persons am required	Complete if Known			
Substitute for form 1449/PTO	Application Number	10/712,654		
	Filing Date	Nov. 12, 2003		
INFORMATION DISCLOSURE	First Named Inventor	Sylvia A. Norman		
STATEMENT BY APPLICANT	Art Unit	1645		
(Use as many shocts as necessary)	Examiner Name	Baskar, Padmavathi		
Sheet 1 of 2	Attorney Docket Number	GP141-03.UT		

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Examiner Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Decument	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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	1	US- 20020055628A1	05-09-2002	Keim et al.	
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Translation is attached.

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				complete if Known		
Substitute for form 1449/PTO				Application Number	10/712,654	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Filing Date	November 12, 2003	
					Sylvia A. Norman	
				Art Unit	1645	
(Uso as many sheets as necessary)			ecessary)	Examiner Name	Baskar, Padmavathi	
Sheet	2	, ot	2	Attorney Docket Number	GP141-03.UT	

Examiner Initials*	Cite No.1	NON PATENT LITERATURE DOCUMENTS Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²			
_		VAILLANCOURT et al., "Development of a multiplex PCR assay for the specific detection of Bacillus anthracis using the Smart Cycler" 101st General Meeting of the ASM, held in Orlando,FL, May 2001 (reprinted with permission by Cepheid, at www.cepheid.com)				
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Signature	Considered	

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